

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, FOR  
THE USE OF ANDERSON  
EXCAVATING CO., a Nebraska  
corporation;

**8:19CV303**

Plaintiff,

**ORDER**

vs.

KIEWITPHELPS, a Joint Venture;  
TRAVELERS CASUALTY AND  
SURETY COMPANY OF AMERICA, a  
Connecticut Corporation (Bond No. 041-  
SB-105826131); and TRAVELERS  
INDEMNITY COMPANY, a Connecticut  
Corporation (Bond No. 041-SB-  
105826131);

Defendants.

Currently before the court is Defendants' motion for attorney fees and costs in the amount of \$6,975.50. ([Filing No. 58](#)).

Throughout this case, Plaintiff has repeated failed to comply with discovery orders. (See Filing Nos. [49](#) and [54](#)). In light of Plaintiff's failure to comply, on August 17, 2020, the court granted Defendants' motion for reimbursement of the fees it has incurred in seeking Plaintiff's compliance with this court's discovery directives. ([Filing No. 54](#)). The court ordered that Defendants submit to Plaintiff an itemization of its fees by September 8, 2020. Plaintiff was given ten days after receipt of the itemization to respond. ([Id. at CM/ECF p. 4](#)). Defendants provided the itemization as directed, and after conferring, the parties were unable to agree on the amount of fees to be awarded. ([Filing No. 59 at CM/ECF p. 2](#)).

Defendants then filed the instant motion, asking the court to order Plaintiff to reimburse Defendants in the full amount demanded. Defendants submitted an affidavit which attests to the amount of fees and attaches as an exhibit the relevant billing statements. (Filing Nos. [60-1](#) and [60-2](#)). Plaintiff has not filed a response to Defendants' pending motion, and the deadline for doing so has passed.

The court therefore will grant Defendants' motion for assessment of fees and costs for good cause and as unopposed. Plaintiff is ordered to remit to Defendants the full amount demanded.

Accordingly,

IT IS ORDERED that Defendant's Motion ([Filing No. 58](#)) is granted, and

1. On or before October 28, 2020, Plaintiff shall reimbursement Defendants for their fees and costs, in the total amount of \$6,975.50.
  
2. No later than October 30, 2020, Plaintiff shall file a declaration or affidavit indicating its compliance with this order.

Dated this 7th day of October, 2020.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge